

CITY COUNCIL, CITY OF LODI
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 19, 1956

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, September 19, 1956; Councilmen Fuller, Hughes, Katzakian, Robinson and Mitchell (Mayor) present; none absent. City Attorney Mullen present; City Manager Weller absent.

Minutes of the meetings of August 15 and August 23, 1956, were approved as written and mailed.

PUBLIC HEARING

ORD. NO. 569 Mayor Mitchell called for those people wishing to
INTRODUCED protest the rezoning from R-2 to R-3 of that prop-
PALLESEN erty on the northeast corner of Lodi Avenue and
REZONING Fairmont Avenue belonging to Drs. V.W. and Mamie
Pallesen. No protests either written or oral
were received. Ordinance No. 569, approving the
rezoning as requested, was introduced on the motion
of Councilman Robinson, Fuller second.

NORTH SACRA- Mayor Mitchell then stated that on recommendation
MENTO ST. PARK- of the Planning Commission a public hearing had
ING PROBLEM been set on the North Sacramento Street parking
problem and asked property owners in this area
to state their situation. It was brought out
that there was a parking and traffic problem
due to Super Mold employees parking along Sac-
ramento and School streets and double parking
during shift changes. It was also stated that
there was excessive speeding along Sacramento
Street. The property owners do not want to
form a parking district to solve the parking
problem because they feel Super Mold should
provide parking for its employees. On motion
of Councilman Hughes, Katzakian second, the
traffic hazard problem was referred to the Chief
of Police and the parking problem was referred
to the City Manager and Engineering Department
for study in conjunction with Super Mold.

PLANNING COMMISSION

FINAL MAP A final map entitled "Rosedale Park" was pre-
ROSEDALE PARK sented for approval. The final map was approved
and the Mayor was authorized to sign said map
on the motion of Councilman Katzakian, Fuller
second. The acceptance of the streets offered
for dedication is subject to improvement of the
streets to City standards before they will be
maintained by the City.

REZONING OF The City Clerk read from the Planning Commission
FAIRMONT AVE. Minutes of September 10, 1956, its recommendation
S. OF LODI AVE. for the rezoning of the west side of South Fair-
PUBLIC HEARING mont Avenue south of Lodi Avenue and north of
OCT. 17, 1956 Tokay Street from R-1 to R-4. On motion of
Councilman Fuller, Hughes second, public hearing
on the above mentioned rezoning was set for
October 17, 1956.

REZONING NE COR.
LOCKEFORD &
SCHOOL HEARING
OCT. 17

The Planning Commission also recommended the rezoning of the northeast corner of Lockeford and School Streets from R-4 to C-2 and public hearing on such rezoning was set for October 17, 1956 on motion of Councilman Robinson, Fuller second.

LOCKEFORD ST.
AND LODI AVE.
GRADE SEPARA-
TIONS

The City Clerk then read from the Planning Commission Minutes of September 10, 1956, Resolution CPC #10 requesting amendment of the Master Plan by eliminating the grade separations at Lockeford Street and Lodi Avenue, and recommending that the City Council initiate studies of the proposed sites for grade separations at Turner Road and Kettleman Lane with a view towards their early development. These recommendations were set for public hearing at the meeting of October 17, 1956.

ACTION DEFERRED
TO NEXT MEETING

COMMUNICATIONS

ABC LICENSE

Application for Off-Sale Beer and Wine Alcoholic Beverage License of Wing S. Fong, Wing Suey Wong and Wing Ho Hom of the Lodi Super Market was referred to the Chief of Police.

AREA PLANNING
COMMISSION

Letter and resolution from the County Planning Commission recommending to the County Board of Supervisors that an Area Planning Commission be formed which would embrace the five incorporated cities of the County. Discussion of this proposed organization will be held at Cities-County meeting.

- Letter from "Emergencies Don't Wait Week" Institute requesting a proclamation was referred to Mayor Mitchell.

Letter from the Citizen's Committee for Yes on Proposition #5. No action taken.

JOINT MEETING
LIBRARY BOARD

Letter from the Lodi Public Library Board of Trustees asking for a joint meeting with the City Council to discuss site and building plans for a new library. Councilman Robinson moved, Katzakian second, that the Mayor and City Manager arrange for such a meeting.

REPORTS OF THE CITY MANAGER

SEWAGE PUMPS

The City Clerk reported that no bids had been received for sewage pumps. The City Council authorized the City Engineer to negotiate on the open market for sewage pumps on the motion of Councilman Katzakian, Fuller second.

CURB & GUTTER
AWARD

Three bids were received for curb and gutter at Blakely Park, William Burkhardt being low bidder with a bid of \$ 2,857.64. Resolution No. 1967 awarding the contract for installation of curb and gutter at Blakely Park to William Burkhardt was adopted on motion of Councilman Hughes, Katzakian second.

RES. #1967
ADOPTED

CATCH BASIN
REPLACEMENT
AWARD

RES. # 1968
ADOPTED

Three bids were received for catch basin replacements. The bid of Rice Bros. in the amount of \$8,732.00 was the lowest. On the recommendation of the City Engineer the City Council adopted Resolution No. 1968 awarding the contract for catch basin replacements to Rice Brothers on motion of Councilman Fuller, Katzakian second.

CROSS WALKS
ON HAM LANE,
ELM, CRESCENT
AND ORANGE STS.
APPROVED

RES. #1969
ADOPTED

City Clerk Graves read a recommendation of the City Engineer that pedestrian cross walks be approved at the following locations:

1. Across Ham Lane at Oak Street.
2. Along the east side of Ham Lane from Walnut Street to Elm Street inclusive.
3. On both sides of Elm Street from Ham Lane to Hutchins Street.
4. On both sides of Crescent and Orange Avenues from Walnut Street to Locust Street inclusive.

Councilman Katzakian moved adoption of Resolution #1969 approving installation of the above mentioned crosswalks. The motion was seconded by Councilman Fuller and so carried.

CROSS WALKS FOR
LOEWEN AND
P.F.E. REFERRED
TO POLICE

The City Engineer also recommended that cross walks be installed in the 60 block of West Locust Street as requested by Loewen Auto Company and in the 400 block of South Main Street as requested by the Pacific Fruit Exchange. The City Council felt that a request for cross walks in the middle of a block would need further study, and on motion of Councilman Robinson, Fuller second, the matter was referred to the Chief of Police for study and recommendation.

AMEND MAINT.
AGREEMENT WITH
DIVISION OF
HIGHWAYS

RES. #1970
ADOPTED

An amendment of the City's agreement with the Department of Public Works, Division of Highways for maintenance of State highways within the City limits was submitted for the Council's approval. It was explained that these revisions were minor, for the most part to bring the agreement into conformity with current phraseology of such contracts. Resolution #1970, authorizing the Mayor and City Clerk to sign the amendment on behalf of the City, was adopted on motion of Councilman Katzakian, Hughes second.

EASEMENTS
ABANDONED
KESZLER
PROPERTY

The City Clerk presented a recommendation from the City Engineer and Superintendent of Public Utilities that the City Council abandon the 16 foot easements centered over the property line between Lots 14 and 15 and between Lots 15 and 16 of Kristmont Acres; these easements have never been used by the City and the City has no prospective use for them. Dr. Keszler has built his house over part of this property and now would like to have it abandoned in order to get financing. On motion of Councilman Hughes, Fuller second, the Council moved to abandon the easements mentioned.

RICHFIELD OIL
DRIVEWAY
REQUEST

A request of the Richfield Oil Corporation for four 30-foot driveways on the northwest corner of Ham Lane and Lockeford Street was presented. On the motion of Councilman Robinson, Fuller second, the request was granted.

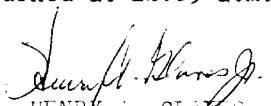
PARKING
DISTRICT NO. 1

Mayor Mitchell announced that Ordinance #568 relating to the formation of Parking District no. 1, was introduced at the previous meeting of the City Council at the conclusion of the public hearing. He stated that the hearing had been conducted according to prescribed law and all protests to the formation of the District had been received and tabulation of the assessed valuation and area of the property represented by the protests proved to be insufficient to terminate the proceedings. Therefore the City Council had declared the District formed. The Mayor reported that subsequent to that date the City Clerk had received additional letters of protest. Some of the letters represented property which had already been recorded as protesting as a result of the oral protests entered at the public hearing before the City Council on September 5, 1956. He pointed out that the City Council was under no obligation to consider protests after the close of the public hearing and any such protests voiced would have no legal effect on the proceeding already completed. The City Clerk then read the letters of protest received from Mr. William C. Hoegerman, Mr. Meyer Zelter, Mr. Theron E. Reynolds, Mrs. Anna M. Nickel, and the Farmers and Merchants Bank. The letters from Mr. Zelter and the Farmers and Merchants Bank did not protest the formation of the District, but asked that action be deferred until further study could be given to the boundaries of the District. Mayor Mitchell called on Mr. Kenneth Jones, representing the attorneys for the District, to clarify the legal position of the City. Mr. Jones informed the Council that adoption of Ordinance 568 will finally fix the boundaries of the District. If changes are to be made in the exterior boundaries of the District, an additional public hearing must be held and due notice given thereof. He pointed out that adoption of Ordinance No. 568 does not foreclose the possibility of altering the location of parking lots within the District. He stated that any changes would require notice and hearings, but that this could be done after the ordinance fixing the boundaries is adopted. Mr. Rollo Garretson, attorney for protestants, addressed the Council to read a petition signed by 21 property owners with the District. The petition was filed with the City Clerk, Mr. Garretson asked that no further action be taken in the formation of the Parking District. Mr. H.E. Looser stated that the District was unfair because it did not include all of the metered area and because it excluded the property in the 200 block of West Pine Street. Mr. Hoggatt explained the reason why the West Pine street area had not been included in the District. Mr. Garretson also stated that the need for parking had never been demonstrated and that he had spent two hours on one afternoon surveying the parking situation. He concluded that the City did not have a parking problem. He urged that a survey be made. The City Clerk pointed out that a complete survey had been conducted by Harold Wise & Associates. This survey covered the entire district at regular

intervals for a complete day. The Parking District proposal before the Council at this meeting resulted from this survey. Mr. John Graffigna addressed the Council to state he was in favor of securing parking, but he felt this District was unfair because it failed to include the 200 block of West Pine Street. City Clerk read a letter, dated September 16, 1956 from Mr. William C. Hoegerman stating that he had tabulated the area in the proposed lots and found that they could accomodate 1,127 cars rather than 2,500 which he said had been claimed by the proponents to the District. It was explained that no one can give an accurate estimate without detailed study of each parcel of land. This has not been done. Councilman Fuller stated he felt the basic question to be answered was whether the City of Lodi needed additional parking. He stated he was convinced that additional parking was required and that the 1951 Act provided the best means of securing the required spaces even though it might not prove equitable in every case. Mr. Hoegerman objected to the use of eminent domain in acquiring property and he stated that he felt the Council would employ it in acquiring lots in this proceedings. City Attorney Mullen explained that the City Council always has the power of eminent domain but rarely employs it. Mr. Barbera stated he favored the District and signed the petition, but he felt the District was unfair and should be expanded to cover the entire central business district bounded by Lodi Avenue, Lockeford Street, Southern Pacific right of way and Pleasant Avenue. Mayor Mitchell then asked Mr. Barbera if he would be willing to head a committee with Mr. Graffigna to seek signatures on a petition to expand the District as outlined by Mr. Barbera. Mr. Barbera answered that he would not head such a committee. Mr. Hoegerman and Mr. Looser volunteered to work for such a District. Mr. Jones outlined the procedure necessary to expand the District. He stated that it would be necessary to outline the proposed expanded District and give adequate notice of the Council's intention and set the matter for public hearing. At the time of hearing a protest of 51% of the entire District as expanded would be necessary to terminate the proposal to expand the District. He emphasized that a protest of the expanded District as proposed would not jeopardize the Parking District as now formed. The public hearing on this District has been completed and the protests have been found insufficient and have been overruled. Mr. Hoegerman protested that if that were true he felt he had little chance because he felt that it would be very difficult to get people in the expanded district to sign a petition asking for inclusion in the District. He stated that he did not feel he had received an adequate hearing and repeated that he was opposed to the threat of condemnation. Councilman Hughes stated he felt no further action should be taken until several matters were straightened out. He pointed out that some property owners had not been asked

to join the District and they should have the opportunity. He also felt the downtown district should be defined and some property included as possible parking lots should be eliminated before the Council proceeds further. Finally he felt the City Engineer should be consulted before further action is taken. Councilman Fuller stated that he did not believe a delay of 60 days in the proceeding could cause any harm since the present District has been formed. He felt 60 days would allow time to work out differences and if nothing happens in the interim the Council can proceed with the present plan. He then moved, Robinson second, that all matters in connection with Parking District No. 1 be continued until the regular meeting of the City Council on November 21, 1956 to allow those persons protesting the present District sufficient time to come up with recommendations for a better program. The motion carried by unanimous vote.

The meeting was then adjourned at 12:05 a.m.


ATTEST: HENRY A. GRAVES, JR.
City Clerk